

AMENDED IN SENATE MAY 4, 2010
AMENDED IN SENATE APRIL 26, 2010
AMENDED IN SENATE APRIL 5, 2010
AMENDED IN SENATE MARCH 23, 2010

SENATE BILL

No. 1091

**Introduced by Senator Hancock
(Coauthors: Senators Alquist and Leno)**

February 17, 2010

An act to amend Sections 14011.10 and 14053 of, and to add Section 14011.11 to, the Welfare and Institutions Code, relating to Medi-Cal.

LEGISLATIVE COUNSEL'S DIGEST

SB 1091, as amended, Hancock. Medi-Cal: individuals in county juvenile detention facilities.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services.

Under existing law, children in juvenile facilities are ineligible to receive Medi-Cal benefits.

This bill would, subject to the receipt of federal financial participation, make individuals awaiting adjudication in county juvenile detention facilities eligible for Medi-Cal benefits if the individual is receiving Medi-Cal benefits at the time he or she is admitted to the detention facility, or the individual is subsequently determined to be eligible for Medi-Cal benefits by the county welfare department, and the county agrees to pay the state's share of Medi-Cal expenditures and the state's administrative costs through an intergovernmental transfer of funds. This bill would provide that these individuals would have their Medi-Cal

benefits continued for the first 30 days of the individual's stay in the county juvenile detention facility, or until the date of adjudication, whichever period of time is less.

This bill would require the department to seek all federal approvals or waivers necessary to implement these provisions and to allow for federal financial participation. The bill would provide that the above-described provisions shall be implemented on January 1, 2012, or on the date that all necessary federal approvals or waivers are obtained and federal financial participation is available, whichever is later.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 14011.10 of the Welfare and Institutions
2 Code is amended to read:
3 14011.10. (a) Except as provided in Section 14011.11, benefits
4 provided under this chapter to an individual under 21 years of age
5 who is an inmate of a public institution shall be suspended in
6 accordance with Section 1396d(a)(28)(A) of Title 42 of the United
7 States Code as provided in subdivision (c).
8 (b) County welfare departments shall be required to notify the
9 department within 10 days of receiving information that an
10 individual under 21 years of age on Medi-Cal in the county is or
11 will be an inmate of a public institution.
12 (c) If an individual under 21 years of age is a Medi-Cal
13 beneficiary on the date he or she becomes an inmate of a public
14 institution, his or her benefits under this chapter and under Chapter
15 8 (commencing with Section 14200) shall be suspended effective
16 the date he or she becomes an inmate of a public institution. The
17 suspension will end on the date he or she is no longer an inmate
18 of a public institution or one year from the date he or she becomes
19 an inmate of a public institution, whichever is sooner.
20 (d) Nothing in this section shall create a state-funded benefit or
21 program. Health care services under this chapter and Chapter 8
22 (commencing with Section 14200) shall not be available to inmates
23 of public institutions whose Medi-Cal benefits have been suspended
24 under this section.
25 (e) This section shall be implemented only if and to the extent
26 allowed by federal law. This section shall be implemented only to

1 the extent that any necessary federal approval of state plan
2 amendments or other federal approvals are obtained.

3 (f) If any part of this section is in conflict with or does not
4 comply with federal law, this entire section shall be inoperable.

5 (g) This section shall be implemented on January 1, 2010, or
6 the date when all necessary federal approvals are obtained,
7 whichever is later.

8 (h) By January 1, 2010, or the date when all necessary federal
9 approvals are obtained, whichever is later, the department, in
10 consultation with the Chief Probation Officers of California and
11 the County Welfare Directors Association, shall establish the
12 protocols and procedures necessary to implement this section,
13 including any needed changes to the protocols and procedures
14 previously established to implement Section 14029.5.

15 (i) Notwithstanding Chapter 3.5 (commencing with Section
16 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
17 the department shall implement this section by means of all-county
18 letters or similar instructions without taking regulatory action.
19 Thereafter, the department shall adopt regulations in accordance
20 with the requirements of Chapter 3.5 (commencing with Section
21 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

22 SEC. 2. Section 14011.11 is added to the Welfare and
23 Institutions Code, to read:

24 14011.11. (a) To the extent that federal financial participation
25 is available, benefits provided under this chapter may be provided
26 to an individual awaiting adjudication in a county juvenile
27 detention facility if all of the following requirements are met:

28 (1) The individual is receiving Medi-Cal benefits at the time
29 the individual is admitted to the juvenile detention facility, or the
30 individual is subsequently determined to be eligible for Medi-Cal
31 benefits by the county welfare department.

32 (2) The county agrees to pay the state's share of Medi-Cal
33 expenditures and the state's administrative costs through an
34 intergovernmental transfer of funds.

35 (b) Benefits provided pursuant to this section shall continue for
36 the first 30 days of the individual's stay in the juvenile detention
37 facility, or until the date of adjudication, whichever period of time
38 is less.

39 (c) *Nothing in this section shall be construed to require a county*
40 *to pay the state's share of Medi-Cal expenditures or the state's*

1 *administrative costs for Medi-Cal benefits that the state is obligated*
2 *to provide pursuant to an administrative action or court order that*
3 *is final and no longer subject to appeal.*

4 ~~(e)~~

5 (d) The department shall seek all federal approvals or waivers
6 necessary to implement this section and to allow for federal
7 financial participation.

8 ~~(d)~~

9 (e) This section shall be implemented on January 1, 2012, or
10 on the date that all necessary federal approvals or waivers are
11 obtained and federal financial participation is available, whichever
12 is later.

13 ~~(e)~~

14 (f) Notwithstanding Chapter 3.5 (commencing with Section
15 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
16 initially the department shall implement this section by means of
17 all-county letters or similar instructions without taking regulatory
18 action. Thereafter, the department shall adopt regulations in
19 accordance with the requirements of Chapter 3.5 (commencing
20 with Section 11340) of Part 1 of Division 3 of Title 2 of the
21 Government Code.

22 SEC. 3. Section 14053 of the Welfare and Institutions Code is
23 amended to read:

24 14053. (a) The term “health care services” means the benefits
25 set forth in Article 4 (commencing with Section 14131) of this
26 chapter and in Section 14021. The term includes inpatient hospital
27 services for any individual under 21 years of age in an institution
28 for mental diseases. Any individual under 21 years of age receiving
29 inpatient psychiatric hospital services immediately preceding the
30 date on which he or she attains age 21 may continue to receive
31 these services until he or she attains age 22. The term also includes
32 early and periodic screening, diagnosis, and treatment for any
33 individual under 21 years of age.

34 (b) The term “health care services” does not include, except to
35 the extent permitted by federal law, any of the following:

36 (1) Care or services for any individual who is an inmate of an
37 institution, except as a patient in a medical institution, or pursuant
38 to Section 14011.11.

39 (2) Care or services for any individual who has not attained 65
40 years of age and who is a patient in an institution for tuberculosis.

1 (3) Care or services for any individual who is 21 years of age
2 or over, except as provided in the first paragraph of this section,
3 and has not attained 65 years of age and who is a patient in an
4 institution for mental disease.

5 (4) Inpatient services provided to individuals 21 to 64 years of
6 age, inclusive, in an institution for mental diseases operating under
7 a consolidated license with a general acute care hospital pursuant
8 to Section 1250.8 of the Health and Safety Code, unless federal
9 financial participation is available for such inpatient services.

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